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\* Admitted in NY only  
\*\* Passed the Patent Bar Examination  
\*\*\* Admitted in TX only

December 3, 2001

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

COPY OF PAPERS  
ORIGINALLY FILED

Re: U.S. Patent Application Serial No.: 09/939,011, Filed August 24, 2001  
Entitled: DEVICE FOR IDENTIFYING THE PRESENCE OF A  
NUCLEOTIDE SEQUENCE IN A DNA SAMPLE  
Inventor: James Benn and Jean Francois Manchec  
Our Ref. No.: GEN-007ACP

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice To File Missing Parts of Non-Provisional Application filed Under 37 CFR 1.53(b) Filing Date Granted (2 pages) (in duplicate);
2. Copy of Notice to File Missing Parts of Non-Provisional Application (Formalities Letter) (1 page);
3. Executed Declaration, Petition and Power of Attorney (6 pages);
4. Check in the amount of \$65.00 for surcharge based on small entity status;
5. Transmittal of Formal Drawings (2 pages, in duplicate);
6. Substitute Drawing Sheets (11 pages);
7. Prepaid acknowledgement postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, DC 20231 on:

December 3, 2001

Date

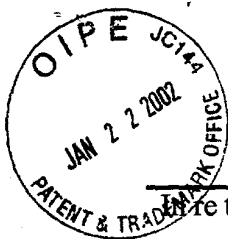
Peter C. Lauro, Esq. Reg. No. 32,360

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Peter C. Lauro, Esq.  
Reg. No. 32,360

PCL/CEM:kl  
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of: James Benn *et al.*

Serial No.: 09/939,011

Filed: August 24, 2001

Title: DEVICE FOR IDENTIFYING THE  
PRESENCE OF A NUCLEOTIDE SEQUENCE IN A  
DNA SAMPLE

Attorney Docket No.: GEN-007ACP

Group Art Unit: 1645

Examiner:

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Commissioner for Patents  
Washington, D.C. 20231

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December 3, 2001

Date of Signature and of Mail Deposit

By:

  
Peter C. Lauro, Esq.

Reg. No. 32,360

Attorney for Applicants

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NON-PROVISIONAL APPLICATION**

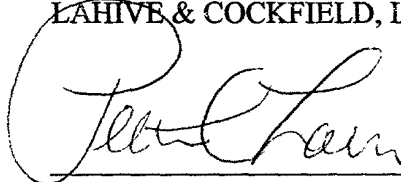
Dear Sir:

Responsive to the Notice to File Missing Parts of Non-Provisional Application dated October 2, 2001, Applicants' attorney submits herewith the executed Declaration, Petition and Power of Attorney for Patent Application, as well as Substitute Drawing Sheets 1-11 for the above-identified patent application. A check in the amount of \$65.00 is enclosed to cover the surcharge based on small entity status. A copy of the Formalities Letter is also enclosed.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

Respectfully submitted,

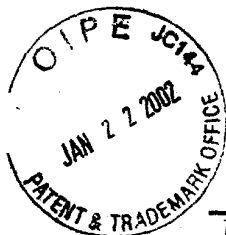
LAHIVE & COCKFIELD, LLP

A handwritten signature in dark ink, appearing to read "Peter C. Lauro", is written over a horizontal line.

Peter C. Lauro, Esq.  
Registration No. 32,360  
Attorney for Applicants  
28 State Street  
Boston, MA 02109  
Tel. (617) 227-7400

Dated: December 3, 2001

12-0080-1-012402



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: James Benn et al.

Serial No.: 09/939,011

Filed: August 24, 2001

Title: DEVICE FOR IDENTIFYING THE  
PRESENCE OF A NUCLEOTIDE SEQUENCE IN A  
DNA SAMPLE

Attorney Docket No.: GEN-007ACP

Group Art Unit: 1645

Examiner:

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

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Attn: Official Draftsperson

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December 3, 2001

Date of Signature and of Mail Deposit

By:

Peter C. Lauro, Esq.

Reg. No. 32,360

Attorney for Applicants

TRANSMITTAL OF FORMAL DRAWINGS

Dear Sir:

In response to the Notice to File Missing Parts of Non Provisional Application, transmitted herewith are 11 sheets of formal drawings (Figures 1-17). Applicants respectfully submit that the formal drawings are in compliance with 37 C.F.R. 1.85. Applicants request that the drawings be filed in the above-referenced patent application. No new matter has been added.

Respectfully submitted,

**LAHIVE & COCKFIELD, LLP**

Paul L. Henry

**Peter C. Lauro, Esq.**  
**Registration No. 32,360**  
**Attorney for Applicants**  
**28 State Street**  
**Boston, MA 02109**  
**Tel. (617) 227-7400**

Dated: December 3, 2001

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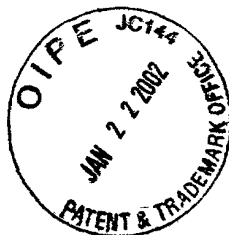


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/939,011	08/24/2001	James Benn	GEN-007ACP

000959  
LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109



CONFIRMATION NO. 3415

## FORMALITIES LETTER



\*OC000000006833487\*

Date Mailed: 10/02/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

COPY OF PAPERS  
ORIGINALLY FILED

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

01/25/2002 ANABI1 00000024 09939011

01 FC:205 65.00 OP

*A copy of this notice **MUST** be returned with the reply.*

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